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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)

An Allocation of Spectrum for the)
Private Mobile Radio Services)

RM-92-67

RM-9267

To: The Commission

OPPOSITION TO PETITION FOR RULEMAKING

The Tallahassee Amateur Radio Society (TARS), by its attorney and pursuant to Section 1.405(a) of the Commission's Rules and Regulations, 47 C.F.R. § 1.405(a), hereby opposes the above-captioned Petition for Rulemaking submitted by the Land Mobile Communications Council ("LMCC"), see Public Notice, Report No. 2272 at p. 2 (April 30, 1998).

1. TARS takes exception to the portion of the LMCC request that suggests short term relief for perceived spectrum deficiencies for Private Mobile Radio Services (PMRS) can be accommodated by the reallocation of 420-430 MHz and 440-450 MHz. These frequency bands are currently allocated primary to the Federal Government and secondary to the Amateur Radio Service. In fact, the entire range of frequencies between 420 and 450 MHz is currently available to the Amateur Service and is known as the amateur 70 cm band.

2. TARS is composed of 80 members, all FCC licensed amateur radio operators. We directly serve an eight county area of the State of Florida that encompasses the State Capital of Tallahassee. Because of our proximity to the seat of State Government, we are often called upon to support and supplement public safety/public service agencies of the State and its political subdivisions. We serve the State of Florida Division of Emergency Management by providing gateway or relay station activities; providing information related to emergencies that occur anywhere in the State. The National Weather Service calls upon the Capital District amateurs to

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serve as weather spotters in the event that severe weather threatens our area. Amateur radio operators are sent to predetermined locations to report "first-hand" information which is used to confirm Doppler radar indications and to advise when weather systems are intensifying or subsiding. Amateurs in the Capital district serve the American Red Cross by providing communications assistance during shelter operations and serving as front-line information specialists in the aftermath of events that call them into service. We accomplish these tasks under the framework of organization established as the Amateur Radio Emergency Service.

3. To enable performance of our activities in the public interest, TARS makes significant use of the 70 cm band for primary voice communications and for control links to facilities established in other frequency bands. Hence, the 70 cm band is used for our fixed and mobile services. Additionally, our amateur operations during times other than emergencies or public need, consist of training and readying our resources, experimentation and activities furthering the radio state-of-the-art.

4. The American Radio Relay League (ARRL) to which TARS is a member organization, has formulated and promulgated the following plan which is established nationwide for operations within the 70 cm band:

ARRL 420-450 MHz BAND PLAN

420.00 - 426.00	Amateur TV (ATV) repeater or simplex with 421.25 video carrier, control links and experimental
426.00 - 432.00	ATV simplex with 427.25 MHz video carrier frequency
432.00 - 432.07	EME (Earth-Moon-Earth)
432.07 - 432.10	Weak signal CW
432.10	Calling frequency
432.10 - 432.30	Mixed-mode and weak signal work
432.30 - 432.40	Propagation beacons
432.40 - 433.00	Mixed-mode and weak signal work
433.00 - 435.00	Auxiliary/repeater links
435.00 - 438.00	Satellite only (internationally)
438.00 - 444.00	ATV repeater input with 439.250 MHz video carrier frequency and repeater links
442.00 - 445.00	Repeater inputs and outputs (local option)
445.00 - 447.00	Shared by auxiliary and control links, repeaters and simplex (local option)
446.00	National simplex frequency
447.00 - 450.00	Repeater inputs and outputs (local option)

5. In its petition, the LMCC relegates the importance of the Amateur 70 cm band to amateur television (ATV) or links to spacecraft in the sub-band 430-440 MHz. As the ARRL Band Plan indicates, operations of many types are employed over the entire 420-450 MHz band. It is not possible to share all of these Amateur uses within a narrowed allocation at 430-440 MHz as suggested by LMCC or to share with primary operations of the type proposed by LMCC.

6. The LMCC request to reallocate 20 of the 30 MHz provided for Amateur operations is unwarranted. The Commission has already provided for the refarming of the private land mobile frequency bands below 800 MHz to bolster spectrum efficiency and provide for increased capacity. These improvements come from the reduction in signal bandwidths over the long term and the consolidation of radio service pools in the short term. The latter represents the most direct effect of refarming on current users. The consolidation of the 22 radio services operating under FCC Rules Part 90 into two broad service pools - Public Safety and Industrial/Business - offers many opportunities for expansion of existing systems and the

introduction of new users to the PMRS. In its petition, the LMCC expresses concern that the benefits of refarming may not be realized for decades. If the refarming improvements are, indeed, delayed to that extent, it is the PMRS user community that is to blame. In its Notice of Proposed Rulemaking in the refarming proceeding, the Commission proposed conversion of all systems to narrowband operations over a graduated schedule by market areas. However, industry commenters persuaded the Commission that such a mechanism was unduly burdensome in terms of equipment life cycles, budgets and operations. Instead, the Commission decided to manage the transition to spectrum efficiency by the equipment type acceptance process. In this manner, users will presumably choose when and how to make their own individual transitions to spectrum efficiency and have market place incentives to do so. If the industry as represented by LMCC had required faster deployment of the refarmed spectrum, then it should have supported the Commission's mandatory refarming plan rather than one which is largely voluntary.

7. Additional near term spectrum relief will shortly be available to approximately one-third of the LMCC member organizations that have public safety orientations. The Commission has allocated 24 megahertz, at 764-776 MHz and 794-806 MHz, on a primary basis to the fixed and mobile services, and designated this spectrum for public safety use. The Commission determined that this allocation will help meet the need of public safety to ensure interoperable communications among various public safety organizations, provide for growth of existing systems, and accommodate new types of services that will strengthen and enhance public safety. The Commission is under Congressional mandate to commence assignment of licenses for public safety services in this spectrum by September 30, 1998. The Commission has indicated that it will have service rules for this public safety spectrum in place also by that date, so that the Commission will be prepared to comply with the Congressional directive.

8. The Commission has also allocated 36 megahertz at 746-764 MHz and 776-794 MHz on a primary basis to the fixed, mobile, and new broadcasting services for commercial use. Licenses in this 36 megahertz of spectrum will be assigned through competitive bidding. The Commission intends that this 36 megahertz of spectrum be used to make new technologies and services available to the American public. If there is, indeed, a disparity between the Commission's treatment of "commercial" and "private" services as LMCC claims, then, perhaps, the Commission should reconsider its plans for allocation to the commercial services and instead make some or all of this 36 MHz of spectrum available to satisfy the needs of PMRS.

9. The frequency band 420-450 MHz should remain available to the amateur service in as flexible an allocation as it is today. Amateur operations sharing the band as secondary to the PMRS as suggested by LMCC is not a tenable solution for any expansion of PMRS. To wit:

- (a) The Amateur 70 cm band is presently undergoing significant growth to satisfy expanded fixed and mobile communications, data networks, experimentation, amateur TV and weak signal operations.
- (b) Amateurs construct their systems of communications almost entirely out of personal funding and, consequently, often take much time to implement quality systems. Secondary sharing with LMCC member organizations would work toward the demise of such Amateur systems as base station mobile relays and data networks. Amateurs cannot afford to make investment in systems that may be rendered useless at the time they are made operational.
- (c) Many sites of Amateur operation are shared with CMRS and PMRS users. With the explosive growth of the commercial services, there are now fewer opportunities for Amateurs to share such sites. Frequency use must be carefully

coordinated. A change in the frequency of an Amateur installation may mean the loss of the site to the Amateur operation

- (d) Amateur operations relegated to use secondary to PMRS may not be available to satisfy the public need during times of crisis.

WHEREFORE, it is respectfully requested that Petition for Rulemaking submitted by the Land Mobile Communications Council be denied to the extent suggested above.

Respectfully submitted this 1st day June, 1998,

TALLAHASSEE AMATEUR RADIO SOCIETY



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CERTIFICATE OF SERVICE

I, Robert J. Keller, special communications counsel for the Tallahassee Amateur Radio Society, hereby certify that on this 1st day of June, 1998, I caused copies of the foregoing *OPPOSITION TO PETITION FOR RULEMAKING* to be served by United States mail, first class postage prepaid, to the following:

LARRY A. MILLER, PRESIDENT
LAND MOBILE COMMUNICATIONS COUNCIL
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A handwritten signature in cursive script, reading "Robert J. Keller", is written over a horizontal line.

Robert J. Keller